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Conference Opening

*Henry T. King, Jr.**

Carl Sandburg observed, "When an institution goes down or a society perishes, one condition may always be found: They forgot where they came from."

In the United States, innovation has historically been the watchword of our society and Canada, as our trading partner and ally, has also benefitted from the new ideas and approaches which have played such a vital role in our industrial success. The United States has long been the envy of its competitors in the world, but recently there has been some slippage in our leadership role in the area of innovation. West Germany and Japan are challenging us in many areas where our leadership has never been questioned before. So now is a time for us to look at the context for innovation in the United States and Canada and to compare it with the context in other competitive countries.

Apart from the role of innovation in the world competitive context, there is another aspect of innovation which should be mentioned. This is the role of innovation in our lives. We live in an imperfect and frequently hostile world where innovative change can be beneficial to us all. Indeed, innovation has been characterized as the marriage between what is needed and what is possible. Innovation can improve the environment in which we live. It can provide us with new remedies or cures for diseases which have plagued mankind for hundreds and even thousands of years and it can improve the quality of life as we know it. Moreover, the human goals of innovation know no limits. If we want to ensure a better world for our generation and for generations to come, we need to do what we can to create a climate where innovation can flourish. This means that we must be concerned with the legal backdrop for innovation — the topic of this Conference.

Our charter for this Conference is an ambitious one. To get our bearings, we will open with a look at where the United States and Canada stand today in the world competitive context in terms of innovation. Here our guides will be Paul Orefice, Chairman of The Dow Chemical Company, and the spokesman for the U.S. Industry Advisory Group to the U.S. Trade Representative on the intellectual property aspects of the current GATT negotiations, and Gordon Gow, who is well known in

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Canadian industrial circles and is currently Deputy Minister of Industry, Science and Technology of the Provincial Government of Ontario.

Following this session we will examine the process of innovation with Mary Jo Veverka of Booz, Allen & Hamilton. Here we will be concerned with translating ideas into reality and bringing them from the laboratory to the marketplace.

Next we will look at innovation from the standpoint of a venture capital firm which has money available to support innovation and is deciding where it is best to place it. We are fortunate to have Leslie Barton as our guide for this session. Mr. Barton is Vice-President of BCE Ventures, a venture capital company which supports innovation in both Canada and the United States.

At our luncheon session, we will examine *The Context for Innovation in Japan*, with Kazuo Nomura of InTecTran as our speaker. Mr. Nomura, a native of Japan, is a former President of Sumitomo Electric Company (U.S.) and his perspective has been broadened by his association with some important U.S. consulting firms.

After lunch, we will look at *Legal Aspects of Organizing and Raising Capital for Innovation*. Jim Bodurtha of Squire, Sanders & Dempsey will examine this question from the U.S. standpoint. J. Michael Robinson of Fasken & Calvin will cover this critical subject from the Canadian standpoint.

Product liability problems may well act as a deterrent to innovation. This is true in the pharmaceutical industry, as well as others. George Frazza of Johnson & Johnson will provide a U.S. perspective, while Bruce Thomas of Cassels, Brock & Blackwell will provide a Canadian view. Randy Stayin of Barnes & Thornburg, our commentator for this session, will provide an update on the status of product liability legislation in the United States as well as other reform efforts.

The evening session will deal with *The Spirit of Innovation: What are the Intangibles Involved?* 3M is one U.S. company which above all others has been successful in promoting innovation. Dr. Lester Krogh of 3M will cover this subject from the U.S. standpoint and Jim Fleck of Fleck Manufacturing Company will look at it from the standpoint of a small, well-managed Canadian company.

On Saturday we will open with a session on *Protecting Innovative Technology for Goods and Services Both Here and Abroad*. Jan Jancin of IBM, who is widely known as a spokesman for U.S. industry before Congress, will be our U.S. speaker. Our Canadian speaker, Peter McBurney, is equally well-known in Canada in the intellectual property field.

Exploiting Innovative Technology in Offshore Markets will be considered in the following session. Our speakers will be Leonard Mackey of ITT, former President of the Licensing Executives Society, and Clive Allen of Northern Telecom. Giving us a view from a developing country will be Celso Souza of the Brazilian Embassy in Washington, D.C.

At our luncheon session, presided over by Dean Peter Gerhart of the Case Western Reserve University Law School, we will hear from Albert Strub of the EC, who will discuss *The Current and Future Context for Innovation in the EC*. His comments about the changes which will come into effect in 1992 and their potential impact on innovation should be especially interesting.

Our next session will be concerned with the role of the U.S. and Canadian governments in encouraging innovation. In the United States some important changes took place during the Reagan Administration in the role of the government in encouraging innovation. Dr. Jack Williams, who has played a key role in these developments, will discuss them. On the Canadian side, the role of government in innovation has also been changing. Robert Blackburn, Assistant Deputy Minister of Industry, Science and Technology of Canada, will discuss his government's role in encouraging innovation.

If and when innovation does occur it is done by people. Accordingly, our next session is *The People Aspects of Innovation*, which deals with company interfaces with both non-employee and employee inventors. To cover this vital subject we are fortunate to have Art Schwab of Reed, Smith, Shaw & McClay and Philip Erickson of Northern Telecom.

Our evening session will cover a significant and changing area of inquiry, namely *The Changing World Legal Context for Innovation*. Michael Kirk, who is the point man for the United States in current international intellectual property negotiations, will cover this subject from the U.S. standpoint, while David Watters, his Canadian counterpart, will give us the Canadian perspective.

On Sunday morning we will look at the future through the eyes of Pat Choate of TRW, Inc. Pat will be looking at the future in terms of where we should be headed and how we get there. Those who know Pat through his writings and speeches will appreciate our good fortune in having him as our guide.

This is indeed an extensive and challenging program. Victor Bradley of the Canadian Embassy in Washington, D.C. and Clive Allen of Northern Telecom played critical advisory roles in giving this program cohesion and substance. Kamala Mohammed assisted me throughout, giving research support for the Conference and putting together the Conference materials. She deserves recognition for a job well done. In addition, our Institute Coordinator, Patti Hujarski, was invaluable in managing the logistics of the Conference.

Let me leave you with a quote from Lewis Carroll's *Through the Looking Glass*, which seems appropriate to describe the current international competitive context in which we find ourselves. "A slow sort of Country . . .," said the Queen, "Now, here, you see, it takes all the running you can do to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!"

